

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA)	
)	
vs.)	Crim. No. 98-03 Erie
)	
)	
CARL ANTHONY KNIGHT)	

MEMORANDUM ORDER

Presently before the Court is Carl Anthony Knight's Letter/Motion for Correction of Simple Clerical Error (ECF No. 240), in which he requests that an error on his Judgment and Commitment Order be corrected pursuant to Federal Rule of Criminal Procedure 36.

According to Mr. Knight, the clerical error occurs on page 7 of the Judgment under the heading "Statement of Reasons" and consists of the clerk "failing to check the correct box." Motion for Correction, 1.

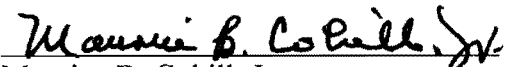
On Mr. Knight's Judgment there is an "X" in the box indicating that "The court adopts the factual findings and guideline application in the presentence report." There is no "X" in the box that would indicate that "The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary)." These are the only two options. If the second box is checked there is also a small space allotted in which the Court would explain what was not adopted by the court, and if that space was insufficient an attachment would be included.

Mr. Knight explains that he believes there to be an error in that the "X" as indicated in the written judgment is in conflict with the fact that there was "no specific factual finding in the oral pronouncement" of judgment. There is no conflict. The fact that the Court adopts

the factual findings and guideline application in the presentence report means nothing more than the Court accepted the contents of the final presentence report. The Court does not adopt the presentence report until after both sides have the opportunity to review the presentence report and have the opportunity to raise any objections or legal issues regarding the facts set forth in the presentence report or the guideline as calculated and applied to Mr. Knight.

Accordingly, there is no error to correct. This Court adopted the factual findings and guideline application in the presentence report, with no exceptions. The correct box was checked. Because there is no clerical error to correct we will deny the motion.

AND NOW, to-wit, this 9th day of January, 2014, it is hereby ORDERED, ADJUDGED, and DECREED that the Letter/Motion for Correction of Simple Clerical Error (ECF No. 240) be and hereby is DENIED.


Maurice B. Cohill, Jr.
Senior United States District Judge

cc: Carl Anthony Knight
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